

REMARKS

Pending claims 1-15 have been examined and are rejected. Specifically, claims 1-15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zavracky, U.S. Patent No. 5,638,946 (hereinafter "Zavracky") in view of McNie et al., U.S. Patent No. 6,276,205 (hereinafter "McNie").

Applicants amend claim 1 to recite, *inter alia*, the steps of "stacking an anti-stiction layer that is operative to be removed by dry etching for preventing stiction at least one of before and after stacking the sacrificial layer and removing the sacrificial layer by wet etching" (*see* the similar amendments to claim 9).

Furthermore, Applicants cancel claims 13 and 14 without prejudice or disclaimer.

Therefore, claims 1, 5, 9 and 15 each require removing the sacrificial layer by wet etching and removing the anti-stiction layer by dry etching.

While Zavracky describes a micromechanical switch having two sacrificial layers 80 and 82, the two sacrificial layers are each removed by wet etching. McNie fails to make up for this deficiency of Zavracky. Thus, neither Zavracky nor McNie, alone or in combination, teach or suggest fabricating micromachined structures using two layers (a sacrificial layer and an anti-stiction layer), wherein the sacrificial layer is removed by wet etching and the anti-stiction layer is removed by dry etching.

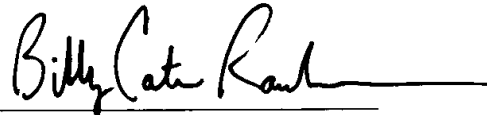
For at least the above exemplary reasons, claims 1, 5, 9 and 15 are patentable over a reasonable combination, if any, of Zavracky and McNie. Consequently, claims 2-3, 6-8 and 10-12 are patentable at least by virtue of their dependency.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/976,316
Attorney Docket No. Q66357

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The present Amendment is being filed on September 22, 2003 and, since the Patent Office was closed on September 19, 2003, is timely filed. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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